

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

IN THE MATTER OF:

**CITY OF OCEANSIDE
OCEANSIDE OCEAN OUTFALL)**

**NONCOMPLIANCE WITH
ORDER NO.
2000-11, NPDES NO. CA0107433)**

COMPLAINT NO. R9-2003-0387

**FOR
ADMINISTRATIVE CIVIL LIABILITY
WITH
MANDATORY MINIMUM PENALTIES**

OCTOBER 10, 2003

THE CITY OF OCEANSIDE IS HEREBY GIVEN NOTICE THAT:

1. The City of Oceanside is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability pursuant to the Porter-Cologne Water Quality Control Act, Water Code section 13385 et seq.
2. A public hearing on this matter is tentatively scheduled before the Regional Board on December 10, 2003, at the Regional Board office, 9174 Sky Park Court, San Diego, California. The meeting will begin at 9:00 a.m. At the hearing, the City of Oceanside will have the opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability by the Regional Board. Additional notice of this public hearing and the hearing procedures will be provided to the City of Oceanside prior to the hearing date with the agenda for the Regional Board meeting.
3. At the hearing, the Regional Board will determine the validity of the allegations contained herein and, if the allegations are found to be true, will consider whether to assess civil liability in the amount proposed by this Complaint, or in some other amount.

ALLEGATIONS

4. On August 31, 2000 the City of Oceanside violated Order No. 2000-11, NPDES No. CA0107433, Waste Discharge Requirements for the City of Oceanside, San Luis Rey and La Salina Wastewater Treatment Plants, Discharge to the Pacific Ocean via the Oceanside Ocean Outfall. The violation is due to an effluent limitation exceedance of oil and grease as reported in the August 2000 Discharger Self Monitoring Report.

5. On June 23, 2003 the City of Oceanside violated Order No. 2000-11 due to an exceedance of the 30-day average effluent limitation for tributyltin as reported in the June 2003 Discharger Self Monitoring Report.
6. On June 23, 2003 the City of Oceanside violated Order No. 2000-11 due to an exceedance of the 30-day average mass emission rate (MER) for tributyltin as reported in the June 2003 Discharger Self Monitoring Report.
7. The following facts are the basis for the alleged violations in this matter:

The City of Oceanside operates the San Luis Rey and La Salina Wastewater Treatment Plants and is authorized to discharge up to 19.0 million gallons per day of treated effluent to the Pacific Ocean via the Oceanside Ocean Outfall pursuant to waste discharge requirements contained in Order No. 2000-11.

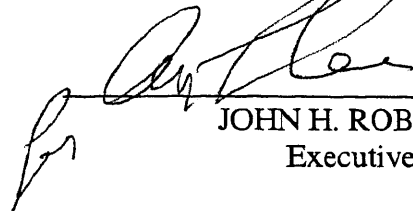
In 2000, the Regional Board issued two Administrative Civil Liability Complaints to the City of Oceanside for six oil and grease effluent limitation violations reported in the March, April and July 2000 Discharger Self Monitoring Reports. An additional violation of the 30-day average oil and grease effluent limitation was reported in the August 2000 Discharger Self Monitoring Report, after the Complaints were issued. The 30-day average oil and grease value of 26 mg/L that was reported in August 2000 exceeds the 30-day average effluent limitation of 25 mg/L by 4%. Water Code section 13385(i) states that a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each violation whenever a waste discharge requirement effluent limitation is exceeded four or more times in any six month period. The August 2000 exceedance of the 30-day average oil and grease effluent limitation was the seventh effluent limitation violation in the six-month period beginning March 2000, and therefore requires a mandatory minimum penalty of three thousand dollars (\$3,000).

Order No. 2000-11 contains a 30-day average effluent limitation of 0.12 µg/L and a 30-day average mass emissions rate (MER) effluent limitation of 0.016 lb/day for tributyltin. Tributyltin results submitted in the June 2003 Monthly Discharger Self Monitoring Report of a 30-day average of 0.12 µg/L and a 30-day average MER of 0.020 lb/day exceeded the effluent limitations by more than 20 percent. Water Code section 13385(h) states that all serious violations shall be assessed a mandatory minimum penalty of three thousand dollars (\$3,000). A serious violation is any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group I pollutant by 40 percent or more, or a Group II pollutant by 20 percent or more, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations. Tributyltin is a Group II pollutant.

PROPOSED CIVIL LIABILITY

- 8 Pursuant to Water Code sections 13385(h) and (i) a mandatory minimum penalty should be imposed on the City of Oceanside by the Regional Board in the amount of nine thousand dollars (\$9,000), for the above violations.

Dated this 10th day of October 2003



JOHN H. ROBERTUS
Executive Officer